

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES HELENTHAL,)
Plaintiff,)
vs.) No. 4:08-CV-1791 (CEJ)
CHARLES E. POLK, JR., et al.,)
Defendants.)

MEMORANDUM FOR CLERK

Comes now counsel for defendant Lathrop & Gage LLP, in accordance with this Court's prior order, and files its Affidavit In Support of Attorney's Fees and Expenses in connection with its Rule 11 Sanctions Application.

By: /s/ Jay A. Summerville

Paul E. Kovacs #20929
Jay A. Summerville #24824
Attorneys for Defendant
Lathrop & Gage LLP
ARMSTRONG TEASDALE LLP
One Metropolitan Square, Suite 2600
St. Louis, Missouri 63102-2740
Telephone: (314) 621-5070
Facsimile: (314) 621-5065
pkovacs@armstrongteasdale.com
jsummerville@armstrongteasdale.com

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2010, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the following:

James E. Hullverson, Jr.
Hullverson & Hullverson, L.C.
777 Bonhomme Avenue, Suite 1500
Clayton, MO 63105
T: (314) 725-1616
F: (314) 863-5953
jrhullverson@mac.com
Attorneys for Plaintiff

/s/ Jay A. Summerville

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES HELENTHAL,)
Plaintiff,)
vs.) Case No. 4:08-CV-1791 (CEJ)
CHARLES E. POLK, JR., et al.,)
Defendants.)

AFFIDAVIT IN SUPPORT OF ATTORNEY'S FEES AND EXPENSES

Brian B. Myers, being duly sworn, states as follows:

1. My name is Brian B. Myers. I am above the age of 18. I am an attorney at Lathrop & Gage LLP ("Lathrop & Gage"). I was admitted to the Missouri Bar in 1979 and have practiced continuously since then. I joined the Lathrop firm in 1987. I have served on the firm's Professional Responsibility Committee (PRC) for more than 13 years, and currently serve as its Chair and as Deputy General Counsel of the firm. My responsibilities have included monitoring the fees and expenses incurred in the defense of the four lawsuits filed by J.R. Hullverson on behalf of James Helenthal that are described in the Court's Order of February 22, 2010. This Affidavit is submitted in response to that Order, which orders Lathrop & Gage to file a verified statement of the attorney's fees and expenses incurred in connection with this case.

2. Attached as Exhibit A are copies of invoices for legal services submitted by Lathrop & Gage's outside law firm, Armstrong Teasdale LLP ("Armstrong"), relating to the defense of this case.¹ Armstrong was hired to assist in the defense of the Helenthal cases in 2002 and has worked on the firm's defense since that time. I understand that each of these invoices

¹ I understand and use the term "this case" to mean only the action Helenthal v. Polk et al., in the United States District Court for the Eastern District of Missouri, Case Number 4:08-cv-01791-DJS.

has been paid. The copies of the invoices have been redacted in order to preserve the attorney-client privilege and work product doctrine.² If the Court so requests, we will be glad to supply the Court with unredacted copies on an *in-camera* basis. The total sum of these invoices is \$19,012.39.³

3. In addition to the legal services provided by Armstrong, two lawyers in our firm, Peter F. Daniel and Michael S. Cessna, both litigators, did a substantial amount of legal work to defend this case. Mr. Daniel has been involved in the defense of the Helenthal cases since their inception in 2002. Mr. Daniel was admitted to the Missouri Bar in 1986 and has practiced at Lathrop & Gage since then. Mr. Cessna was admitted to the Texas Bar in 1987 and became a member of the Missouri Bar in 1990. He joined the firm in 2008 and began working on the Helenthal cases shortly thereafter. Other lawyers in the Lathrop & Gage law firm (including myself) have also contributed to the defense, but the time of those lawyers is not submitted here.

4. Attached as Exhibit B is a summary of the time spent by Mr. Daniel and Mr. Cessna in the defense of this case. This document was generated from business records of Lathrop & Gage. The time entries were made at or near the time of the work reflected in the entries. Some time entries have been redacted to prevent the disclosure of attorney-client communications or attorney work-product. If the Court so requests, we will be glad to supply the Court with the complete time descriptions on an *in-camera* basis. The value of Mr. Daniel's and Mr. Cessna's work was calculated based upon their standard hourly rates established by the firm during the relevant time periods. The total value of this time based on the standard hourly rates is \$46,789.50.

² Lathrop & Gage does not intend to waive and wishes to fully preserve the attorney-client privilege and work product doctrine, to the full extent they are applicable. Redactions are shown by xxx's or the word "REDACTED."

³ This total does not include the 11/14/08 time entry that predates this case, time entries relating to the Helenthal state court litigation, or the time entries relating to an audit letter response in November 2009.

5. Reimbursement is also sought for Lathrop & Gage's on-line research and copying expenses (separate from any of those expenses billed by Armstrong). A summary of these expenses is attached as Exhibit C. The total sum of these expenses is \$4,508.33.

6. The legal work and expenses reflected in the attachments to this Affidavit are simply for "this case," as ordered by the Court. Order, February 22, 2010, page 5. In reality, much of the legal work that supported Lathrop & Gage's Motion to Dismiss and Motion for Rule 11 Sanctions was done in response to the third Helenthal case, Case Number 4:08-cv-431 CEJ (Helenthal III). If the Court believes recovery of those fees and expenses are also appropriate, we can also supply similar information relating to the defense of that matter.

7. The total amount for which payment is sought pursuant to the Court's Order of February 22, 2010 is \$70,310.22.

The above information is true and correct to the best of my knowledge and belief.

FURTHER AFFIANT SAYETH NOT.

Brian B. Myers

Brian B. Myers

STATE OF MISSOURI)
)
) ss:
COUNTY OF JACKSON)

8th In witness whereof, I have hereto subscribed my name and affixed my official seal this day of March, 2010.

BRONWEN HICKS
Commission #07542064
Notary Public - Notary Seal
STATE OF MISSOURI-Jackson County
My Commission Expires: June 17, 2011
My Commission Expires: _____

Bronwen Hicks
Notary Public

EXHIBIT A***ARMSTRONG TEASDALE LLP***

ONE METROPOLITAN SQUARE, SUITE 2600
 ST. LOUIS, MISSOURI 63102-2740
 PHONE: 314.621.5070
 FAX: 314.621-5065

MISSOURI

KANSAS

ILLINOIS

WASHINGTON, DC

SHANGAI

SYDNEY

FED ID: 43-1274026

ATTORNEYS AT LAW

Mr. Thomas Stewart, Managing Partner
 Lathrop & Gage L.C.
 2345 Grand
 Suite 2800
 Kansas City, MO 64108

December 12, 2008
 Invoice No. 1258667
 File No. 20531 / 1

1 - JAMES HELENTHAL, ET AL.

Claim Number: 544 LU 162176

FOR SERVICES RENDERED THROUGH NOVEMBER 30, 2008:

Fee Summary					
Date	Name	Hours	Amount	Narrative	
11/14/08	L. Williams	0.20	30.00	Receive and organize correspondence; alert attorneys to new information.	
11/20/08	J. Summerville	0.50	135.00	Receipt and review of new suit complaint filed in U.S. District Court; emessage exchange with P. Daniel; check Pacer for judge assignment.	
11/21/08	J. Summerville	0.30	81.00	Emessage exchanges with P. Daniel re (REDACTED)	
Total Hours:		1.00		Total Services	246.00
					Matter Total 246.00

ARMSTRONG TEASDALE LLP

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FED ID: 43-1274026

ATTORNEYS AT LAW

Mr. Thomas Stewart, Managing Partner
 Lathrop & Gage L.C.
 2345 Grand
 Suite 2800
 Kansas City, MO 64108

December 12, 2008
 Invoice No. 1258667
 File No. 20531 / 1

Attorney/Paralegal Summary			
Name	Rate	Hours	Amount
L. Williams	150.00	0.20	30.00
J. Summerville	270.00	0.80	216.00
Total		1.00	246.00

ARMSTRONG TEASDALE LLP

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FED ID: 43-1274026

ATTORNEYS AT LAW

Mr. Thomas Stewart, Managing Partner
 Lathrop & Gage L.C.
 2345 Grand
 Suite 2800
 Kansas City, MO 64108

January 14, 2009
 Invoice No. 1264693
 File No. 20531 / 1

1 - JAMES HELENTHAL, ET AL.

Claim Number: 544 LU 162176

FOR SERVICES RENDERED THROUGH DECEMBER 31, 2008:

Fee Summary					
Date	Name	Hours	Amount	Narrative	
12/01/08	J. Summerville	0.30	81.00	Receipt and review of J.R. Hullverson's motion to transfer to Supreme Court.	
12/02/08	J. Summerville	0.20	54.00	Emessage exchange with P. Daniel; transmittal of plaintiffs' motion to transfer to client.	
12/02/08	L. Williams	0.20	30.00	Locate and send electronic copies of documents to J. Summerville as requested.	
12/05/08	L. Williams	0.40	60.00	Receive and organize correspondence and pleadings relating to application for transfer to MO Supreme Court; update file as necessary.	
12/15/08	P. Kovacs	0.30	135.00	Reviewed e-mails.	
12/17/08	P. Kovacs	0.20	90.00	E-mails.	
12/18/08	L. Williams	0.80	120.00	Review file and locate specific documents as requested by P. Daniel.	
12/22/08	P. Kovacs	0.90	405.00	Review of Lathrop's Motion for Sanctions.	
12/22/08	J. Summerville	0.50	135.00	Receipt and review of client's draft Suggestions in Support of Rule 11 Motion; emessage to P. Daniel.	
12/30/08	J. Summerville	0.50	135.00	Receipt and review of Suggestions in Support of Motion for Sanctions from P. Daniel.	
Total Hours:		4.30		Total Services	1,245.00
					Matter Total 1,245.00

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MISSOURI | KANSAS | ILLINOIS | WASHINGTON, DC | SHANGAI | SYDNEY | FED ID: 43-1274026
ATTORNEYS AT LAW

Mr. Thomas Stewart, Managing Partner
 Lathrop & Gage L.C.
 2345 Grand
 Suite 2800
 Kansas City, MO 64108

January 14, 2009
 Invoice No. 1264693
 File No. 20531 / 1

Attorney/Paralegal Summary			
Name	Rate	Hours	Amount
L. Williams	150.00	1.40	210.00
J. Summerville	270.00	1.50	405.00
P. Kovacs	450.00	1.40	630.00
Total		4.30	1,245.00

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ATTORNEYS AT LAW**CARBON COPY**

Mr. Thomas Stewart, Managing Partner
 Lathrop & Gage L.C.
 2345 Grand
 Suite 2800
 Kansas City, MO 64108

February 9, 2009
 Invoice No. 1271055
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

1 - JAMES HELENTHAL, ET AL.

Claim Number: 544 LU 162176

FOR SERVICES RENDERED THROUGH JANUARY 31, 2009:

Fee Summary				
Date	Name	Hours	Amount	Narrative
01/02/09	P. Kovacs	0.90	405.00	Reviewed Suggestion in Support of Motion for Sanctions.
01/28/09	P. Kovacs	0.30	0.00	NO CHARGE: E-mails; review court order.
01/28/09	J. Summerville	0.20	54.00	Review Supreme Court Order denying transfer; email exchange with P. Daniel re same.
01/29/09	J. Summerville	0.20	54.00	Emessage exchange with P. Daniel re (REDACTED)
01/30/09	P. Kovacs	0.30	135.00	E-mails.
Total Hours:		1.90		Total Services
				648.00

Disbursements Summary		
Date	Cost	Amount
01/30/09	Digital Reproductions - User: 10481, 3 pages	0.27
	Total Disbursements	0.27
	Matter Total	648.27

ARMSTRONG TEASDALE LLP

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CARBON COPY

Mr. Thomas Stewart, Managing Partner
 Lathrop & Gage L.C.
 2345 Grand
 Suite 2800
 Kansas City, MO 64108

February 9, 2009
 Invoice No. 1271055
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

Attorney/Paralegal Summary				
Name	Rate	Hours	Amount	
J. Summerville	270.00	0.40	108.00	
P. Kovacs	450.00	1.20	540.00	
Total		1.60	648.00	

ARMSTRONG TEASDALE LLP

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FED ID: 43-1274026

ATTORNEYS AT LAW**CARBON COPY**

James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

March 10, 2009
 Invoice No. 1278170
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

1 - JAMES HELENTHAL, ET AL.

Claim Number: 544 LU 162176

FOR SERVICES RENDERED THROUGH FEBRUARY 28, 2009:

Fee Summary					
Date	Name	Hours	Amount	Narrative	
02/02/09	P. Kovacs	0.10	45.00	E-mails.	
02/02/09	J. Summerville	0.20	54.00	Emessage exchange with P. Daniel re (REDACTED)	
02/04/09	J. Summerville	0.10	27.00	Receipt and review of court order re issuance of appellate mandate.	
02/10/09	J. Summerville	0.10	27.00	Transmit mandate from Court of Appeals to P. Daniel.	
02/16/09	J. Summerville	0.30	81.00	Emessage exchange with attorney for Kutak Rock re (REDACTED)	
02/21/09	J. Summerville	0.20	54.00	Check Pacer docket entries for any new activity in new federal suit.	
Total Hours:		1.00		Total Services	288.00
Matter Total					288.00

ARMSTRONG TEASDALE LLP

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FED ID: 43-1274026

ATTORNEYS AT LAW**CARBON COPY**

James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

March 10, 2009
 Invoice No. 1278170
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

Attorney/Paralegal Summary			
Name	Rate	Hours	Amount
J. Summerville	270.00	0.90	243.00
P. Kovacs	450.00	0.10	45.00
Total		1.00	288.00

ARMSTRONG TEASDALE LLP

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ATTORNEYS AT LAW

CARBON COPY

James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

April 9, 2009
 Invoice No. 1284547
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Heleenthal, et al.*

1 - JAMES HELENTHAL, ET AL.

Claim Number: 544 LU 162176

FOR SERVICES RENDERED THROUGH MARCH 31, 2009:

Fee Summary				
Date	Name	Hours	Amount	Narrative
03/09/09	L. Williams	0.60	96.00	Review file materials and send electronic copies of pleadings to J. Summerville for review as per his request.
03/10/09	P. Kovacs	0.50	225.00	E-mails and telephone conferences.
03/10/09	J. Summerville	1.50	405.00	Receipt and review of Suggestions in Support of Motion for Rule 11 Sanctions; emessage exchanges with client; conference re paralegal assistance to find and label all attachments; editing and proofreading of motion and suggestions.
03/11/09	P. Kovacs	3.30	1485.00	Reviewed Motion for Sanctions and assembled exhibits; typos and revisions.
03/11/09	J. Summerville	0.70	189.00	Conference re Rule 11 motion and suggestions; litigation conference; edit and revise suggestions.
03/11/09	L. Williams	3.80	608.00	Review memorandum in support pleadings; gather relevant documents for exhibits.
03/12/09	P. Kovacs	2.90	1305.00	Telephone conferences; reviewed pleadings and exhibits in final; defendant's office located and pleadings delivered.
03/12/09	J. Summerville	0.80	216.00	Final proofreading, editing, and finalizing Motion for R11 Sanctions and Memo in Support; litigation conference re service by hand and electronically.
03/12/09	L. Williams	1.80	288.00	Review and revise motion pleading; mark exhibits appropriately; prepare for hand delivery; prepare and send electronic copy of materials to plaintiff's counsel.
03/13/09	J. Summerville	0.40	108.00	Docket Answers/Motion to Dismiss due date; review Rule 11 Motion and Suggestions served on plaintiff.
03/18/09	J. Summerville	0.60	162.00	Check Pacer for return of service; begin drafting entries of appearance and motion for extension of time to plead.
03/19/09	J. Summerville	0.80	216.00	Finalize entries of appearance, motion for extension of time, proposed order granting extension.

ARMSTRONG TEASDALE LLP

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FED ID: 43-1274026

ATTORNEYS AT LAW**CARBON COPY**

James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

April 9, 2009
 Invoice No. 1284547
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

03/20/09	J. Summerville	0.50	135.00 Attend to finalizing and filing of entries of appearance and motion for extension of time; emessage from client.
03/23/09	P. Kovacs	0.30	135.00 Receipt and review of court orders.
03/23/09	J. Summerville	0.30	81.00 Receipt and review of court order granting extension to answer; emessage exchange with P. Daniel; docket and Answer date.
03/24/09	J. Summerville	0.20	54.00 Check timing of service of Rule 11 letter on plaintiff's attorney and earliest date for filing motion for sanctions.
03/26/09	J. Summerville	0.20	54.00 Review Pacer for entries of appearance for other defendants, or other docket activity.
03/27/09	J. Summerville	0.80	216.00 E message from client re (REDACTED), review draft Rule 11 motion and Memo in Support for possible suggested amendments.
03/30/09	P. Kovacs	0.30	135.00 Telephone conferences; receipt and review of court notices.
03/30/09	J. Summerville	0.60	162.00 Litigation conference re (REDACTED); conference with P. Daniel; review motion for sanctions and memo in support; receipt and review of C. Polk's motion to dismiss.

Total Hours: 20.90

Total Services

6,275.00

Disbursements Summary

Date	Cost	Amount
03/11/09	Digital Reproductions - User: 3866, 40 pages	3.60
03/12/09	Digital Reproductions - User: 3866, 613 pages	55.17
Total Disbursements		58.77

ARMSTRONG TEASDALE LLP

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FED ID: 43-1274026

ATTORNEYS AT LAW

CARBON COPY

James C. Fitter, Jr.
Lathrop & Gage LLP
2345 Grand, Suite 2200
Kansas City, MO 64108

April 9, 2009
Invoice No. 1284547
File No. 20531 / 1

*re: Lathrop & Gage L.C. -
James Helenthal, et al.*

Matter Total **6,333.77**

ARMSTRONG TEASDALE LLP

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FED ID: 43-1274026

*ATTORNEYS AT LAW***CARBON COPY**

James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

April 9, 2009
 Invoice No. 1284547
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

Attorney/Paralegal Summary

Name	Rate	Hours	Amount
L. Williams	160.00	6.20	992.00
J. Summerville	270.00	7.40	1,998.00
P. Kovacs	450.00	7.30	3,285.00
Total		20.90	6,275.00

ARMSTRONG TEASDALE LLP

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FED ID: 43-1274026

*ATTORNEYS AT LAW***CARBON COPY**

James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

May 7, 2009
 Invoice No. 1291486
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

1 - JAMES HELENTHAL, ET AL.

Claim Number: 544 LU 162176

FOR SERVICES RENDERED THROUGH APRIL 30, 2009:

Fee Summary					
Date	Name	Hours	Amount	Narrative	
04/02/09	P. Kovacs	0.40	180.00	E-mails.	
04/02/09	J. Summerville	1.50	405.00	Prepare motion for leave to file excessively long brief; prepare motion for Rule 11 sanctions; edit and finalize suggestions in support of motion for sanctions.	
04/03/09	P. Kovacs	1.10	495.00	E-mails; telephone conferences; receipt and review of pleadings.	
04/03/09	J. Summerville	0.50	135.00	Finalize and attend to filing and service of Motion for Leave, Motion for Sanctions and Suggestions in Support.	
04/03/09	L. Williams	0.80	128.00	Gather and scan documents to assist with electronic filing of same.	
04/06/09	P. Kovacs	0.70	315.00	Telephone conferences and e-mails re pending motions and court orders.	
04/06/09	J. Summerville	0.50	135.00	Receipt and review of order granting leave; emessage with status report to P. Daniel; emessage exchange with D. Rabbitt and review of Rule 11 letter to plaintiff's attorney sent on behalf of plaintiff's dismissing without prejudice; litigation conference re (REDACTED)	
04/08/09	J. Summerville	0.30	81.00	Review Boyce's Rule 11 letter to plaintiff; receipt and review of Polk's Opposition to Motion to Dismiss.	
04/09/09	P. Kovacs	0.80	360.00	Receipt and review of pleadings.	
04/09/09	J. Summerville	0.40	108.00	Receipt and review of Helenthal's Opposition to Polk's Motion to Dismiss; emessage transmittal to P. Daniel; emessage exchange with P. Daniel re (REDACTED)	
04/09/09	L. Williams	1.20	192.00	Receive and organize case material as needed.	
04/11/09	J. Summerville	0.40	108.00	Receipt and review of plaintiff's Opposition to Motion For Rule 11 Sanctions; emessage to P. Daniel.	
04/13/09	P. Kovacs	2.10	945.00	Receipt and review of pleadings from plaintiff's attorney, e-mails and pleadings from client; begin	

ARMSTRONG TEASDALE LLP

ONE METROPOLITAN SQUARE, SUITE 2600
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 PHONE: 314.621.5070
 FAX: 314.621-5065

MISSOURI	KANSAS	ILLINOIS	WASHINGTON, DC	SHANGAI	SYDNEY	FED ID: 43-1274026
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*ATTORNEYS AT LAW***CARBON COPY**

James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

May 7, 2009
 Invoice No. 1291486
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

				reviewing attachments.
04/13/09	J. Summerville	1.70	459.00	Receipt and review of draft Suggestions in Support of Motion to Dismiss; emessage exchanges with P. Daniel; revise and edit suggestions in support; draft motion to dismiss and motion for leave.
04/13/09	L. Williams	1.40	224.00	Review pleadings and gather supporting exhibits.
04/14/09	J. Summerville	1.20	324.00	Finalize and attend to filing and service of Motion to Dismiss, Motion for Leave to File Brief in Excess of 15 Pages, and Suggestions in Support.
04/14/09	L. Williams	2.40	384.00	Continue with review and revision of memorandum in support; gather, mark, and prepare electronic copies of exhibits to accompany pleading.
04/15/09	J. Summerville	0.30	81.00	Emessage exchanges with P. Daniel re (REDACTED); receipt and review of court order granting leave to file lengthy suggestions; transmit to P. Daniel.
04/16/09	J. Summerville	1.50	405.00	Review, edit and finalize Reply on Motion for Rule 11 Sanctions; receipt and analysis of Boyce's Answer, Motion to Dismiss, Suggestions in Support of Motion to Dismiss; several emessage exchanges with P. Daniel.
04/20/09	P. Kovacs	1.80	810.00	Receipt and review of e-mails and pleadings.
04/20/09	J. Summerville	0.40	108.00	Review plaintiff's response to order to show cause; review motion by co-defendant to join client's motion for stay of discovery; emessage to P. Daniel.
04/21/09	P. Kovacs	1.10	495.00	Receipt and review of plaintiff's pleadings.
04/21/09	J. Summerville	1.30	351.00	Receipt and analysis of Plaintiffs' Response to Motion to Dismiss and Plaintiffs' Response to Order to Show Cause re service on Boyce; emessage exchange with client (P. Daniel).
04/23/09	P. Kovacs	0.90	405.00	Receipt and review of e-mails and pleadings.
04/27/09	P. Kovacs	0.90	405.00	Receipt and review of pleadings and e-mails.
04/27/09	J. Summerville	0.50	135.00	Edit, revise and finalize Reply on Motion to Dismiss; email exchanges with client.
04/27/09	L. Williams	0.40	64.00	Receive and organize pleadings as needed.
04/28/09	J. Summerville	0.30	81.00	Transmittal of file stamped copy of Reply to Motion to Dismiss to client; review and analysis of Helenthal's Memo in Opposition to Boyce's Motion to Dismiss.

ARMSTRONG TEASDALE LLP

ONE METROPOLITAN SQUARE, SUITE 2600
ST. LOUIS, MISSOURI 63102-2740
PHONE: 314.621.5070
FAX: 314.621.5065

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ATTORNEYS AT LAW

CARBON COPY

James C. Fitter, Jr.
Lathrop & Gage LLP
2345 Grand, Suite 2200
Kansas City, MO 64108

May 7, 2009
Invoice No. 1291486
File No. 20531 / 1

*re: Lathrop & Gage L.C. -
James Helenthal, et al.*

04/30/09	P. Kovacs	1.00	450.00 Receipt and review of additional pleadings.
04/30/09	J. Summerville	0.30	81.00 Emassage exchange with P. Daniel re (REDACTED)

Total Hours: 28.10

Total Services 8,849.00

Matter Total 8,849.00

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ATTORNEYS AT LAW

CARBON COPY

James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

May 7, 2009
 Invoice No. 1291486
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

Attorney/Paralegal Summary			
Name	Rate	Hours	Amount
L. Williams	160.00	6.20	992.00
J. Summerville	270.00	11.10	2,997.00
P. Kovacs	450.00	10.80	4,860.00
Total		28.10	8,849.00

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FED ID: 43-1274026

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James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

June 5, 2009
 Invoice No. 1298002
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

1 - JAMES HELENTHAL, ET AL.

Claim Number: 544 LU 162176

FOR SERVICES RENDERED THROUGH MAY 31, 2009:

Fee Summary				
Date	Name	Hours	Amount	Narrative
05/01/09	J. Summerville	0.30	81.00	Receipt and review of Reply Response on Boyce Motion to Dismiss; transmittal of same to client.
05/08/09	P. Kovacs	0.90	405.00	Receipt and review of miscellaneous pleadings.
05/08/09	J. Summerville	0.40	108.00	Receipt and analysis of Boyce's Motion for Rule 11 Sanctions.
05/18/09	J. Summerville	0.30	81.00	Receipt and review of Plaintiff's Response to Boyce motion; check Pacer for missing Memorandum in Opposition.
05/18/09	L. Williams	0.80	128.00	Receive and print Response in Opposition pleadings and exhibits filed by counsel for Helenthal, as requested by P. Kovacs.
05/18/09	L. Williams	0.30	48.00	Draft and send e-mail correspondence to P. Daniel with attached pleadings and notification from the court regarding Helenthal's Memorandum in Opposition to Mtn for Sanctions.
05/26/09	P. Kovacs	0.90	405.00	Receipt and review of Plaintiff's Response to Boyce's Motion for Rule 11 Sanctions; memo to client.
Total Hours:		3.90	Total Services	1,256.00
				Matter Total 1,256.00

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FED ID: 43-1274026

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James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

June 5, 2009
 Invoice No. 1298002
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

Attorney/Paralegal Summary			
Name	Rate	Hours	Amount
L. Williams	160.00	1.10	176.00
J. Summerville	270.00	1.00	270.00
P. Kovacs	450.00	1.80	810.00
Total		3.90	1,256.00

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FED ID: 43-1274026

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James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

November 10, 2009
 Invoice No. 1334472
 File No. 20531

*re: Lathrop & Gage L.C. -
 James Heenthal, et al.*

1 - JAMES HEENTHAL, ET AL.

Claim Number: 544 LU 162176

FOR SERVICES RENDERED THROUGH OCTOBER 31, 2009:

Fee Summary					
Date	Name	Hours	Amount	Narrative	
09/03/09	J. Summerville	0.10	27.00	Check Pacer for docket entries, status of Rule 11 Motion.	
10/29/09	P. Kovacs	0.20	90.00	Receipt and review of Court Order: telephone call with client.	
Total Hours:		0.30			
					Total Services 117.00

Disbursements Summary

Date	Cost	Amount
06/23/09	Digital Reproductions - User: 0286, 6 pages	0.54
	Total Disbursements	0.54
	Matter Total	117.54

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FED ID: 43-1274026

ATTORNEYS AT LAW

CARBON COPY

James C. Fitter, Jr.
Lathrop & Gage LLP
2345 Grand, Suite 2200
Kansas City, MO 64108

November 10, 2009
Invoice No. 1334472
File No. 20531 / 1

*re: Lathrop & Gage L.C. -
James Helenthal, et al.*

Attorney/Paralegal Summary			
Name	Rate	Hours	Amount
J. Summerville	270.00	0.10	27.00
P. Kovacs	450.00	0.20	90.00
Total		0.30	117.00

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James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

December 11, 2009
 Invoice No. 1341806
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Heenthal, et al.*

1 - JAMES HELENTHAL, ET AL.

Claim Number: 544 LU 162176

FOR SERVICES RENDERED THROUGH NOVEMBER 30, 2009:

Fee Summary				
Date	Name	Hours	Amount	Narrative
11/02/09	J. Summerville	0.20	54.00	Review Court Order transferring case to Judge Jackson; emessage exchange with P. Daniel.
11/17/09	P. Kovacs	1.00	450.00	Receipt and review of audit request; begin file review.
11/18/09	P. Kovacs	0.80	360.00	Conferences re developments and response to audit request.
11/18/09	J. Summerville	0.40	108.00	Review audit letter request; review file for background for audit letter response.
11/19/09	P. Kovacs	0.50	225.00	Reviewed audit letter and revised and forwarded.
11/19/09	J. Summerville	1.80	486.00	Conference re preparation of audit letter response; review file; prepare audit letter response.
11/19/09	L. Williams	0.40	64.00	Locate files, print updated pleading index and provide hard copies to J. Summerville as requested.
Total Hours:		5.10		
				Total Services 1,747.00

Disbursements Summary		
Date	Cost	Amount
11/19/09	Digital Reproductions - User: 10481, 9 pages	0.81
	Total Disbursements	0.81
	Matter Total	1,747.81

ARMSTRONG TEASDALE LLP

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James C. Fitter, Jr.
 Lathrop & Gage LLP
 2345 Grand, Suite 2200
 Kansas City, MO 64108

December 11, 2009
 Invoice No. 1341806
 File No. 20531 / 1

*re: Lathrop & Gage L.C. -
 James Helenthal, et al.*

Attorney/Paralegal Summary			
Name	Rate	Hours	Amount
L. Williams	160.00	0.40	64.00
J. Summerville	270.00	2.40	648.00
P. Kovacs	450.00	2.30	1,035.00
Total		5.10	1,747.00

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LATHROP & GAGE LLP

March 8, 2010

Page 1

EXHIBIT B

Summary of Work by Peter F. Daniel and Michael S. Cessna of Lathrop & Gage in *Helenthal v. Polk, et al.*, Case No. 4:08-CV-1791 (CEJ)

1. Summary of Work by Peter F. Daniel

Date	Name	Hours	Amount	Description
11/20/2008	Peter F. Daniel	2.0	640.00	Review and circulate new lawsuit filed by Mr. Helenthal. Work with outside counsel regarding xxx xxx xxx
11/24/2008	Peter F. Daniel	2.1	672.00	Research on xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxx xxx
11/25/2008	Peter F. Daniel	2.5	800.00	Work with Mr. Cessna on xxxxxxxxxxxxxxxxxxx; Create summary of xxxxxxxxxxxxxxxxxxxxxxxxx; xxx xxx Research on xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx; Internet research regarding xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
12/3/2008	Peter F. Daniel	1.9	608.00	Research on xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxx
12/5/2008	Peter F. Daniel	1.9	608.00	Draft section of Rule 11 Motion or Motion to Dismiss addressing Rule 41.
12/16/2008	Peter F. Daniel	2.3	736.00	Research xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxx and work with Mr. Cessna regarding xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
12/17/2008	Peter F. Daniel	1.6	512.00	Review and edit draft Motion for Rule 11 Sanctions and ascertain status of service on firm.
12/17/2008	Peter F. Daniel	2.9	928.00	Work with Mr. Cessna on Rule 11 Motion.
12/23/2008	Peter F. Daniel	0.3	96.00	Brief work with Mr. Cessna on Rule 11 Motion.
12/30/2008	Peter F. Daniel	1.0	320.00	Additional review and revisions to Motion for Rule 11 Sanctions. Check court file (on-line version) for ruling. Communication with Mr. Summerville.

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March 8, 2010

Page 2

Date	Name	Hours	Amount	Description
1/29/2009	Peter F. Daniel	0.9	319.50	Work with committee on xxxxxxxxxxxxxxxxxxxxxxxxx xxx xxx xxxxxxxxxxxxxxxx; Communicate with local counsel regarding xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
1/30/2009	Peter F. Daniel	0.8	284.00	Work with committee on xxxxxxxxxxxxxxxxxxxxxxxxx xxx
2/17/2009	Peter F. Daniel	1.0	355.00	Review and analyze xxxxxxxxxxxxxxxxxxxxxxxxx xxx xxxxxxxxxxxxxxxx and work with Mr. Cessna to xxxx xxx xxxxxxxxxxxxxxxx. Check court's on-line docket for docket activity.
2/23/2009	Peter F. Daniel	0.4	142.00	Communications with Mr. Myers and Mr. Fitter regarding xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx Check on line docket for activity.
3/12/2009	Peter F. Daniel	0.5	177.50	Work with outside counsel on xxxxxxxxxxxxxxxxx xxx
3/20/2009	Peter F. Daniel	0.5	177.50	Work with Mr. Cessna on Motion to Dismiss and Motion for Extension of time to answer or otherwise plead.
3/23/2009	Peter F. Daniel	0.8	284.00	Work with outside counsel regarding entry of appearance, motion for extension of time and timing of Motion to Dismiss and Rule 11 Motion.
3/27/2009	Peter F. Daniel	1.5	532.50	Work on Motion to Dismiss and brief communications with outside counsel regarding xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
3/30/2009	Peter F. Daniel	3.1	1,100.50	Communication with outside counsel regarding xxx xxxxxxxxxxxxxxxx. Extensive revisions to Motion to Dismiss xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxxxxxxxxxxxxxxx. Read and forward pleading filed by Mr. Polk.
3/31/2009	Peter F. Daniel	0.9	319.50	Additional work on Motion to Dismiss.
4/2/2009	Peter F. Daniel	0.9	319.50	Communication with outside counsel regarding xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx. Work on draft Motion to Dismiss issues.

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March 8, 2010

Page 3

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March 8, 2010

Page 4

Date	Name	Hours	Amount	Description
5/26/2009	Peter F. Daniel	0.8	284.00	Review and forward Boyce reply brief with analysis and brief work with Mr. Cessna regarding same.
8/27/2009	Peter F. Daniel	0.3	106.50	Check case filings for activity. Brief communication with outside counsel regarding xxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx
10/29/2009	Peter F. Daniel	0.3	106.50	Review order transferring case. Brief conversation with Mr. Kovacs regarding xxxxxxxxxx
11/9/2009	Peter F. Daniel	0.3	106.50	Review xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx and work with Mr. Cessna regarding same.
2/10/2010	Peter F. Daniel	0.9	333.00	Review and circulate orders of dismissal regarding Polk, Helenthal matter. Brief strategy meeting with Mr. Cessna and Mr. Myers regarding xxxxxxxxxxxxxxxxxxxxxxxxx

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March 8, 2010

Page 5

2. Summary of Work by Michael S. Cessna

Date	Name	Hours	Amount	Description
11/20/2008	Michael S. Cessna	3.1	899.00	Read and evaluate newly filed Complaint; work on Memorandum in Support of sanctions.
11/21/2008	Michael S. Cessna	6.5	1,885.00	Legal research of xxxxxxxxxxxxxxxxxxxxxxxxx xxx xxx xxx xxx xxx; work on Suggestions in Support of Motion for Sanctions.
11/24/2008	Michael S. Cessna	3.3	957.00	Work on Suggestions in Support of Motion for Sanctions.
11/25/2008	Michael S. Cessna	3.2	928.00	Work on Suggestions in Support of Motion for Sanctions.
12/1/2008	Michael S. Cessna	1.3	377.00	Work Suggestions in Support of Motion for Sanctions.
12/2/2008	Michael S. Cessna	0.3	87.00	Work on Suggestions in Support of Motion for Sanctions.
12/4/2008	Michael S. Cessna	0.6	174.00	Research and evaluate whether xxxxxxxxxxxxxxxxx xxx xxx
12/5/2008	Michael S. Cessna	0.4	116.00	Work on Suggestions in Support of Motion for Sanctions.
12/12/2008	Michael S. Cessna	2.1	609.00	Work Suggestions in Support of Motion for Sanctions.
12/13/2008	Michael S. Cessna	4.6	1,334.00	Worked on Suggestions in Support of Motion for Sanctions.
12/15/2008	Michael S. Cessna	4.6	1,334.00	Work on Suggestions in Support of Motion for Sanctions.
12/16/2008	Michael S. Cessna	4.9	1,421.00	Work on Suggestions in Support of Motion for Sanctions xxxx; legal research regarding xxxxxxxx xxx xxx
12/17/2008	Michael S. Cessna	3.1	899.00	Work on Suggestions in Support of Motion for Sanctions.

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March 8, 2010

Page 6

Date	Name	Hours	Amount	Description
12/18/2008	Michael S. Cessna	0.3	87.00	Work on Suggestions in Support of Motion for Sanctions.
12/19/2008	Michael S. Cessna	0.4	116.00	Work on Suggestions in Support of Motion for Sanctions.
12/22/2008	Michael S. Cessna	3.8	1,102.00	Work on Suggestions in Support of Motion for Sanctions.
12/29/2008	Michael S. Cessna	2.7	783.00	Work on Suggestions in Support of Motion for Sanctions.
12/30/2008	Michael S. Cessna	0.4	116.00	Work on Suggestions in Support of Motion for Sanctions.
1/28/2009	Michael S. Cessna	0.4	130.00	Work on Suggestions in Support of Motion for Sanctions.
2/18/2009	Michael S. Cessna	1.7	552.50	Read and evaluate xxxxxxxxxxxxxxxxxxxxxxxxx xxx xxx xxx xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx; consider application of same to xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx xxx
3/10/2009	Michael S. Cessna	4.3	1,397.50	Legal research regarding xxxxxxxxxxxxxxxxxxxxxxxxx xxx xxx work on Suggestions in Support of Motion for Sanctions.
4/9/2009	Michael S. Cessna	7.7	2,502.50	Work on Suggestion in Support of Motion to Dismiss; read and evaluate April 9, 2009, letter from D. Rabbit, counsel for Gilbert Boyce, to J. Hullverson, counsel for J. Helenthal, regarding demand for dismissal of claims against Boyce; read and consider Helenthal's opposition to C. Polk's Motion to Dismiss.
4/10/2009	Michael S. Cessna	7.2	2,340.00	Work Suggestions in Support of Motion to Dismiss.
4/13/2009	Michael S. Cessna	1.4	455.00	Work on Motion to Dismiss; read and evaluate Helenthal's Suggestions in Opposition to Motion for Sanctions.

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LATHROP & GAGE LLP

March 8, 2010

Page 7

Date	Name	Hours	Amount	Description
4/14/2009	Michael S. Cessna	0.9	292.50	Legal research regarding xxxxxxxxxxxxxxxxxxxxxxxxx xxx xxx xxx xxx xxx xxx
4/15/2009	Michael S. Cessna	8.4	2,730.00	Legal research regarding xxxxxxxxxxxxxxxxxxxxxxxxx xxx xxx xxx xxx xxx xxx xxx xxx xxx; work on Reply Suggestions in Support of Motion for Sanctions.
4/16/2009	Michael S. Cessna	4.7	1,527.50	Work on Reply Suggestions in Support of Motion for Sanctions.
4/20/2009	Michael S. Cessna	1.6	520.00	Read and evaluate Defendant Gilbert Boyce's Answer, Motion to Dismiss, and Memorandum in Support.
4/21/2009	Michael S. Cessna	0.7	227.50	Read and evaluate Helenthal's Response in Opposition to Motion to Dismiss and Response to Court Order to Show Cause.
4/22/2009	Michael S. Cessna	1.4	455.00	Evaluate response to Helenthal's opposition memorandum to motion to dismiss.
4/23/2009	Michael S. Cessna	3.7	1,202.50	Work on Reply Suggestions in Support of Motion to Dismiss.
4/24/2009	Michael S. Cessna	7.2	2,340.00	Work on Reply Suggestions in Support of Motion to Dismiss; read and evaluate Helenthal's Memorandum in Response to Defendant Gilbert Boyce's Motion to Dismiss.
4/27/2009	Michael S. Cessna	0.9	292.50	Work on Reply Suggestions in Support of Motion to Dismiss.
5/20/2009	Michael S. Cessna	0.8	260.00	Read and consider James Hullverson's Memorandum in Response to Defendant Gilbert Boyce's Motion for Sanctions.

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March 8, 2010

Page 8

Date	Name	Hours	Amount	Description
10/21/2009	Michael S. Cessna	0.7	227.50	Read and consider xxxxxxxxxxxxxxxxxxxxxxxxx xx xx
2/9/2010	Michael S. Cessna	1.2	420.00	Read and consider xxxxxxxxxxxxxxxxxxxxxxxxx xx xx xx
2/10/2010	Michael S. Cessna	0.6	210.00	Read and consider district court's February 9, 2010 Memorandum and Order.

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LATHROP & GAGE LLP

March 8, 2010

Page 9

3. Recap of Work

Timekeeper	Hours	Rate	Amount
Peter F. Daniel (2008)	18.5	320.00	5920.00
Peter F. Daniel (2009)	26.0	355.00	9230.00
Peter F. Daniel (2010)	0.9	370.00	333.00
Michael S. Cessna (2008)	45.6	290.00	13224.00
Michael S. Cessna (2009)	53.7	325.00	17452.50
Michael S. Cessna (2010)	1.8	350.00	630.00
TOTAL			\$46,789.50

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LATHROP & GAGE LLP

March 8, 2010

EXHIBIT C

Summary of Lathrop & Gage Expenses in *Heenthal v. Polk, et al.*, Case No. 4:08-CV-1791 (CEJ)

Date	Amount	Description
11/21/2008	265.73	Online Research - Westlaw - Michael Cessna
11/24/2008	30.60	Online Research - Westlaw - Michael Cessna
11/24/2008	440.00	Online Research - Westlaw - Peter Daniel
12/3/2008	0.10	Photocopies (2 copies at .05 each)
12/12/2008	434.93	Online Research - Westlaw 12/6-12/14 Michael Cessna
12/16/2008	462.53	Online Research - Westlaw Peter Daniel
12/16/2008	303.08	Online Research - Westlaw Michael Cessna 12/16-12/19/08
12/22/2008	26.10	Online Research - Westlaw - Michael Cessna
12/31/2008	10.32	Online Research - Pacer Service Center
3/9/2009	4.15	Photocopies (83 copies at .05 each)
3/10/2009	477.56	Online Research - Westlaw - Michael Cessna
3/10/2009	9.00	Online Research - Westlaw - Michael Cessna
3/10/2009	4.50	Online Research - Westlaw - Michael Cessna
3/31/2009	92.55	Online Research - Westlaw - Peter Daniel
4/10/2009	101.48	Online Research - Westlaw - Michael Cessna
4/10/2009	27.45	Online Research - Westlaw - Michael Cessna
4/13/2009	84.29	Online Research - Westlaw - Peter Daniel
4/15/2009	54.90	Online Research - Westlaw - Michael Cessna
4/16/2009	1,434.49	Online Research - Westlaw - Michael Cessna
4/23/2009	0.10	Photocopies (2 copies at .05 each)
4/24/2009	156.49	Online Research - Westlaw - Michael Cessna
4/24/2009	87.98	Online Research - Westlaw - Michael Cessna
Total	4,508.33	